



**STATE OF MONTANA
DEPARTMENT OF CORRECTIONS
POLICY DIRECTIVE**

Policy No. DOC 1.3.11	Subject: LEGISLATIVE TESTIMONY AND PROCESS
Chapter 1: ADMINISTRATION AND MANAGEMENT	Page 1 of 2
Section 3: Human Resources	Effective Date: Sept. 1, 1996
Signature: /s/ Mike Batista, Director	Revised: 07/27/2015

I. POLICY

The Department of Corrections will provide employees with guidelines for giving public testimony before local, state, and federal legislative or administrative bodies.

II. APPLICABILITY

All Department divisions, facilities, and programs.

III. DEFINITIONS

None

IV. DEPARTMENT DIRECTIVES

A. Employee Testimony

1. Testimony on Behalf of the Department
 - a. Department employees will not offer testimony or provide evidence on the Department's behalf to local, state, or federal legislative or administrative bodies without receiving prior permission from the Department director, or designee.
2. Private Testimony
 - a. Department employees who appear as private citizens before an administrative or legislative body for the purpose of offering testimony that relates to the Department's operations must state that the employee is offering a personal opinion, and that the testimony offered is not an official Department position;
 - b. the above statement is not intended to restrict a Department employee's right to express an opinion. It is intended to draw clear lines between personal and Department-sanctioned testimony.
3. Leave Status
 - a. Employees who are providing testimony before an administrative or legislative body when such testimony is not on behalf of the Department must use Leave without Pay or Accrued Paid Leave.
 - b. Employees who appear on the Department's behalf will receive paid release time.

B. The Legislative Process

1. During the legislative session, all bills impacting the Department will be reviewed by the Department's Legal Services Bureau, with copies sent to appropriate persons within the

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Department. The Director's Executive Office staff will solicit input from appropriate Department personnel and determine whether to support, oppose, or remain neutral to the proposed legislation.

2. The Director's Executive Office staff will coordinate and approve testimony, including content and designation of Department representation.
3. Any employee requested to provide information or appear before a legislative committee by that committee or by an individual legislator will request approval from the Director's Executive Office staff prior to responding.

C. Lobbying

1. When appropriate, the Director's Executive Office staff will register those employees who may be requested to attend legislative hearings. The Department will pay the registration fee.
2. Only employees authorized by the Director to lobby on behalf of the Department who meet the Secretary of State registration requirements will be registered.
3. Employees lobbying as private citizens on their own time and acting solely on their own behalf are not considered registered lobbyists of the Department. Employees are not to lobby as private citizens in the halls of the legislature while in pay status.

V. CLOSING

Provisions of this policy not required by statute will be followed unless the provisions conflict with negotiated labor contracts, which will take precedence to the extent possible.

Questions concerning this policy should be directed to the Director's Executive Office staff.

VI. REFERENCES

- A. *2-15-112, MCA; 53-1-203; MCA*

VII. ATTACHMENTS

None